

IRW



Attorney Docket No. 1322.0063CNT

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of Durward I. Faries, Jr. et al.

Serial No.: 10/695,487

Examiner: Unknown

Confirmation No.: 5214

Art Unit: 3752

Filed: October 29, 2003

For: Warming System and Method for Heating Various Items Utilized in Surgical Procedures

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. §1.97(b)**

Pursuant to the duty imposed by 37 C.F.R. §1.56 to disclose information which may be material to the patentability of the above-identified patent application, the Applicant(s) would like to direct the Examiner's attention to the documents listed on the enclosed Information Disclosure Citation Form (PTO/SB/08). In accordance with this duty of disclosure, Applicant(s) hereby submits the following information in conformance with 37 C.F.R. §§1.97 and 1.98.

- ☐ Pursuant to 37 C.F.R. §1.98, a copy of each document cited in the attached Form PTO/SB/08 is enclosed.
- ☐ The subject Information Disclosure Statement is being filed without copies of the listed U.S. Patents and/or U.S. patent application publications pursuant to the waiver of the requirement under 37 C.F.R. §1.98(a)(2)(i) for applications filed after June 30, 2003. Copies of the listed foreign patent documents and/or non-patent literature are enclosed herewith.
- ☒ No copies of the publications listed on the attached Form PTO/SB/08A are being provided pursuant to 37 C.F.R. §1.98(d) because the publications were previously cited by or submitted to the Office in prior Application Serial No. 10/127,675 to which the above-identified application claims priority under 35 U.S.C. §120.

- ☐ Publication(s) \_\_\_\_\_ listed on the attached Form PTO/SB/08A were cited in a foreign search or examination report corresponding to \_\_\_\_\_ application serial no. \_\_\_\_\_ and mailed on \_\_\_\_\_.
- ☐ Enclosed is a copy of a non-English publication(s) \_\_\_\_\_. Pursuant to §609 of the M.P.E.P., Applicant submits the attached foreign search or examination report, which cites such non-English language publication(s).
- ☐ Enclosed is a copy of a non-English publication(s) \_\_\_\_\_. English language publication \_\_\_\_\_ (copy enclosed) claims priority from this non-English publication.
- ☐ Enclosed is an explanation of non-English publication(s) \_\_\_\_\_ for which an English translation is not available.
- ☐ Enclosed is an English translation of non-English publication(s) \_\_\_\_\_ cited in the attached Form PTO/SB/08A.
- ☐ Enclosed is a copy of pending patent Application Serial No. \_\_\_\_\_.

This Information Disclosure Statement is filed within any one of the following time periods:

- ☐ within three months from the filing date of this national application other than a CPA under 37 C.F.R. § 1.53(d);
- ☐ within three months from the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in this international application;
- ☒ before the mailing date of a first office action on the merits; or
- ☐ before the mailing of a first office action after the filing of a request for continued examination under 37 C.F.R. § 1.114.

The Commissioner is hereby authorized to charge payment of any fees required for the above-identified application or credit any overpayment to Deposit Account No. 05-0460.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

It is respectfully requested that the Examiner consider the above-noted information and return an initialed copy of the attached Form PTO/SB/08A to the undersigned.

Dated: 7/6/2004

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Respectfully submitted by  
**EDELL, SHAPIRO & FINNAN, LLC**

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PTO/SB/08A (08-00)

Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>				<b>Complete if Known</b>	
Application Number		10/695,487			
Filing Date		October 29, 2003			
First Named Inventor		Durward I. Faries, Jr. et al.			
Group Art Unit		Unknown			
Examiner Name		Unknown			
Attorney Docket Number		1322.0063CNT			
Sheet	1	of	6		

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Kind Code <sup>2</sup> (if known)		
		1,659,719		Blake	02-21-1928
		2,175,099		Abbott	10-03-1939
		2,214,215		Watermann et al.	09-10-1940
		2,576,874		Acton	11-27-1951
		2,713,112		Mills et al.	07-12-1955
		2,741,099		Beane	04-10-1956
		2,841,132		Philipp	07-01-1958
		2,885,526		Paulding	05-05-1959
		2,994,760		Pecoraro et al.	08-01-1961
		3,051,582		Muckler et al.	08-28-1962
		3,193,339		Cooper	07-06-1965
		3,241,603		Nagata	03-22-1966
		3,255,812		Bayane et al.	06-14-1966
		3,329,202		Birman	07-04-1967
		3,353,589		Tope et al.	11-21-1967
		3,386,498		Funfstuck	06-04-1968
		3,485,245		Lahr et al.	12-23-1969
		3,536,132		Pecoraro et al.	10-27-1970
		3,590,215		Anderson et al.	06-29-1971
		3,612,165		Haynes	10-12-1971
		3,713,302		Reviel	01-30-1973
		3,777,187		Kohn	12-04-1973

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)		
		DE	37 42 927	A1	List, Heinz-Juergen	07-06-1989
		DE	197 52 578	A1	S-med Medizintechnik GmbH	06-02-1999

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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number.

<sup>2</sup> See attached Kinds of U.S. Patent Documents.

<sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).

<sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

<sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible.

<sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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Examiner Name	Unknown				
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		Number	Kind Code <sup>2</sup> (if known)		
		3,826,305		Fishman	07-30-1974
		3,858,106		Launius	12-31-1974
		3,879,171		Tulis	04-22-1975
		4,024,377		Henke	05-17-1977
		4,084,080		McMahan	04-11-1978
		4,090,514		Hinck et al.	05-23-1978
		4,189,995		Löhr et al.	02-26-1980
		4,233,495		Scoville et al.	11-11-1980
		4,309,592		Le Boeuf	01-05-1982
		4,318,276		Sato et al.	03-09-1982
		4,328,676		Reed	05-11-1982
		4,331,859		Thomas et al.	05-25-1982
		4,364,234		Reed	12-21-1982
		4,407,133		Edmonson	10-04-1983
		4,419,568		VanOverloop	12-06-1983
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		4,464,563		Jewett	08-07-1984
		4,495,402		Burdick et al.	01-22-1985
		4,523,078		Lehmann	06-11-1985
		4,605,840		Koopman	08-12-1986
		4,657,004		Coffey	04-14-1987
		4,678,460		Rosner	07-07-1987
		4,680,445		Ogawa	07-14-1987

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		Number	Kind Code <sup>2</sup> (if known)		
		4,707,587		Greenblatt	11-17-1987
		4,726,193		Burke et al.	02-23-1988
		4,745,248		Hayes	05-17-1988
		4,801,777		Auerbach	01-31-1989
		4,823,554		Trachtenberg et al.	04-25-1989
		4,874,033		Chatelain et al.	10-17-1989
		4,894,207		Archer et al.	01-16-1990
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		4,910,386		Johnson	03-20-1990
		4,934,336		White	06-19-1990
		4,935,604		Allen et al.	06-19-1990
		4,961,320		Gutmann	10-09-1990
		5,061,241		Stephens, Jr., et al.	10-29-1991
		5,061,630		Knopf et al.	10-29-1991
		5,081,697		Manella	01-14-1992
		5,106,373		Augustine et al.	04-21-1992
		5,108,372		Swenson	04-28-1992
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		5,129,033		Ferrara et al.	07-07-1992
		5,183,994		Bowles, Sr. et al.	02-02-1993
		5,195,976		Swenson	03-23-1993
		5,217,064		Kellow et al.	06-08-1993
		5,243,833		Coelho et al.	09-14-1993

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		5,263,929		Falcone et al.	11-23-1993
		5,276,310		Schmidt et al.	01-04-1994
		5,282,264		Reeves et al.	01-25-1994
		5,297,234		Harms et al.	03-22-1994
		5,315,830		Doke et al.	05-31-1994
		5,333,326		Faries Jr., et al.	08-02-1994
		5,345,923		Luebke et al.	09-13-1994
		5,364,385		Harms et al.	11-15-1994
		5,381,510		Ford et al.	01-10-1995
		5,397,875		Bechtold, Jr.	03-14-1995
		5,399,007		Marconet	03-21-1995
		5,408,576		Bishop	04-18-1995
		5,483,799		Dalto	01-16-1996
		5,572,873		Lavigne et al.	11-12-1996
		5,653,905		McKinney	08-05-1997
		5,661,978		Holmes et al.	09-02-1997
		5,729,653		Magliochetti et al.	03-17-1998
		5,733,263		Wheatman	03-31-1998
		5,786,568		McKinney	07-28-1998
		5,858,303		Schiffmann et al.	01-12-1999
		5,879,329		Ginsburg	03-09-1999
		5,897,207		Hartmann	04-27-1999
		5,910,210		Violi et al.	06-08-1999

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		Number	Kind Code <sup>2</sup> (if known)		
		5,924,289		Bishop, II	07-20-1999
		5,961,492		Kriesel et al.	10-05-1999
		5,977,520		Madson, Jr. et al.	11-02-1999
		5,986,239		Corrigan, III et al.	11-16-1999
		5,989,238		Ginsburg	11-23-1999
		6,045,648		Palmgren et al.	04-04-2000
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		6,174,300		Kriesel et al.	01-16-2001
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		6,722,782		Faries, Jr. et al.	04-20-2004
		4,814,570		Takizaki	03-21-1989
		5,172,347		Masuda	12-15-1992
		5,540,901		Riley	07-30-1996
		5,868,195		Westbrooks, Jr.	02-09-1999
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		6,039,926		Goldman	03-21-2000
		6,316,750		Levin	11-13-2001
		2003/0075183		Faries, Jr. et al.	04-24-2003
		2003/0172937		Faries, Jr. et al.	09-18-2003
		6,467,953		Faries, Jr. et al.	10-22-2002
		6,566,631		Faries, Jr. et al.	05-20-2003
		6,102,044		Naidyhorski	08-15-2000
		5,524,643		Faries, Jr. et al.	06-11-1996
		4,407,133		Edmonson	10-04-1983
		4,481,410		Bortnik	11-06-1984
		5,243,172		Hazan et al.	09-07-1993
		5,296,684		Essig et al.	03-22-1994
		5,424,512		Turetta et al.	06-13-1995
		5,658,478		Roeschel et al.	08-19-1997

Examiner Signature		Date Considered	
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<sup>2</sup> See attached Kinds of U.S. Patent Documents.



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PTO/SB/08A (08-00)

Substitute for form 1449B/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>			<b>Complete if Known</b>		
			<b>Application Number</b>	10/695,487	
			<b>Filing Date</b>	October 29, 2003	
			<b>First Named Inventor</b>	Durward I. Faries, Jr. et al.	
			<b>Group Art Unit</b>	Unknown	
			<b>Examiner Name</b>	Unknown	
<b>Sheet</b>	6	of	6	<b>Attorney Docket Number</b>	1322.0063CNT

OTHER DOCUMENTS – NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. <sup>1</sup>	Document Title		T <sup>2</sup>
		Cahill, <i>New Name, New Helmsman</i> , JEMS, August 1996		
		CBi Healthcare Systems, Inc., <i>Controlled Temperature Cabinet System</i> , JEMS, March 1997		
		Koolatron, P-34 PC-3 <i>Precision Control Thermoelectric Cooler/ Warmer</i> , January 1998		
		Koolatron, <i>Canadian company announces the release of a precision control unit</i> , August 1997		
		ANTON, <i>500 miles from nowhere, it'll give you a cold drink or a warm burger...</i> , Technology Update, 1993		
		Koolatron, <i>1997 U.S. \$ Price List</i> , 1997		
		Kellow et al, <i>Drug Adulteration In Prehospital Emergency Medical Services</i> , October 1994		
		CBi Medical, Inc., <i>IV Fluid Warmer Model 8362</i> , 1992		

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